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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN CALIFORNIA OF CALIFORNIA**

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11 GERALDINE HILT, as Wrongful Death) No. 4:10-cv-05844 CW
12 Heir, and as Successor-in-interest to)
13 ROBERT HILT, Deceased; and) STIPULATION TO REMAND ACTION
14 SHERLYN HILT, KRISHA TINDALL,) TO STATE COURT AND ORDER
15 DARPHINE ROLAND, and KIMBERLY) THEREON
16 CRAWFORD, as Legal Heirs of ROBERT)
17 HILT, Deceased,)
18 Plaintiffs,)
19 vs.)
20 C.C. MOORE & CO. ENGINEERS; et al.,)
21 Defendants)
22

[Local Rules 7-1 and 7-12; FRCP 41]

Date: March 3, 2011
Time: 2:00 p.m.
Courtroom: 2, 4th floor
Judge: Hon. Claudia Wilken

23 Comes now Plaintiffs GERALDINE HILT, as Wrongful Death Heir, and as Successor-
24 in-interest to ROBERT HILT, Deceased; and SHERLYN HILT, KRISHA TINDALL,
25 DARPHINE ROLAND, and KIMBERLY CRAWFORD, as Legal Heirs of ROBERT HILT,
26 Deceased, ("Plaintiffs") and Defendant OTIS ELEVATOR COMPANY ("OTIS"), who file the
27 following joint stipulation pursuant to Local Rules 7-1 and 7-12:
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29 WHEREAS, Defendant OTIS removed this case to the United States District Court for
30 the Northern District of California on December 22, 2010, on the ground that the Court has
31 "federal officer" subject matter jurisdiction under 28 U.S.C. section 1442(a) based on
32 Plaintiffs' allegations that decedent's injury was caused by alleged exposure to asbestos in

1 OTIS's products on various U.S. Navy vessels, and on defendant's allegations that the products
2 were manufactured under the supervision and control of the United States government; and

3 WHEREAS, Defendant OTIS was the sole removing defendant and no other defendant
4 joined in removal or filed a separate notice of removal; and

5 WHEREAS, Plaintiffs and Defendant OTIS, the affected parties, have now reached a
6 resolution of Plaintiffs' claims against OTIS whereby Plaintiffs agree to waive all claims
7 against claims against OTIS relating to or arising out of plaintiff's asbestos exposure at
8 military jobsites or aboard U.S. Navy vessels; and

9 WHEREAS, Plaintiffs will file a formal waiver of said claims with the Court prior to
10 the filing of this Stipulation; and

11 WHEREAS, Defendant OTIS'S desire for a federal forum for this action is now moot
12 given the resolution of the aforesaid claims against it; and

13 WHEREAS, pursuant to the parties' resolution, Plaintiffs and Defendant OTIS seek to
14 have this action remanded to state court,

15 IT IS HEREBY STIPULATED by the affected parties, Plaintiffs and Defendant OTIS
16 that this action shall be, and hereby is immediately remanded to the San Francisco County
17 Superior Court, the court in which it was originally filed and from which it was removed.

18 Dated: February ____ , 2011

BRAYTON ♦PURCELL LLP

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By:

Richard Grant
Attorneys for Plaintiffs

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Dated: February ____ , 2011

TUCKER ELLIS & WEST LLP

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By:

Lance D. Wilson
Attorneys for Defendant
OTIS ELEVATOR COMPANY

PURSUANT TO STIPULATION, IT IS SO ORDERED.

This case is REMANDED to the Superior Court of California, County of San Francisco, Case No. CGC-10-275703. The Clerk shall send a certified copy of this Order to the Clerk of the Court for the Superior Court of California, County of San Francisco.

Dated: March 1, 2011

By:

CLAUDIA WILKEN

CLAUDIA WILKEN
United States District Judge